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Attorneys for Defendant  
LinkedIn Corporation

11 UNITED STATES DISTRICT COURT  
12  
13 NORTHERN DISTRICT OF CALIFORNIA  
14  
15 SAN FRANCISCO DIVISION

15 3taps, Inc.,  
16  
17 Plaintiff,  
18  
19 vs.  
20 LinkedIn Corporation,  
21  
22 Defendant.

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]  
ORDER REGARDING AMENDMENT  
TO COMPLAINT AND BRIEFING  
SCHEDULE**

Judge: Hon. Edward M. Chen  
Trial Date: None Set  
Action Filed: February 8, 2018

1 WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed a Complaint in the above-captioned action  
2 against Defendant LinkedIn Corporation (“LinkedIn”) on February 08, 2018 (ECF No. 1);

3 WHEREAS on February 23, 2018, the Court ordered this action related to *hiQ Labs,*  
4 *Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”);

5 WHEREAS, on August 13, 2021, after the expiration of a stay pending appeal in the  
6 hiQ Action, LinkedIn filed a Motion to Dismiss 3tap’s Complaint (ECF No. 51);

7 WHEREAS, on August 26, 2021, 3taps filed an Opposition to LinkedIn’s Motion to  
8 Dismiss (ECF No. 53);

9 WHEREAS, the parties subsequently met and conferred, and agreed, in the interests of  
10 efficiency of the parties and the Court, that LinkedIn would withdraw its Motion to Dismiss  
11 without prejudice and that 3taps would file an amended complaint;

12 WHEREAS, the parties further agreed that 3taps’ filing of an amended complaint is in no  
13 way an admission by 3taps that LinkedIn’s Motion to Dismiss is meritorious or that the  
14 Complaint required amending, and further that the withdrawal of the Motion to Dismiss by  
15 LinkedIn is in no way an admission by LinkedIn that (i) the Motion to Dismiss lacked merit,  
16 and/or (ii) the Complaint can be amended in such a way as to cure the defects referenced in the  
17 Motion to Dismiss;

18 NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED  
19 AND AGREED:

20 1. LinkedIn hereby withdraws its Motion to Dismiss 3taps’ Complaint (ECF  
21 No. 51) without prejudice pursuant to the Parties’ stipulation that 3taps will file an  
22 amended complaint by October 8, 2021.

23 2. 3taps shall file its amended complaint by October 8, 2021.

24 3. LinkedIn shall answer or otherwise respond to the amended complaint by  
25 December 7, 2021.

26 4. If LinkedIn responds to the amended complaint by motion, any opposition  
27 thereto shall be due on February 7, 2022, and any reply shall be due on March 9, 2022.  
28 The Parties shall meet and confer to determine a hearing on the motion consistent with

1 this schedule prior to the filing of the motion by LinkedIn.

2 5. The deadlines in this order supersede the deadlines set in the parties' prior  
3 stipulation (ECF No. 30).

4 6. Nothing in this order precludes either party from applying to the Court for  
5 relief from any deadline set forth in this stipulation and proposed order.

6  
7 Dated: September 1, 2021

Orrick, Herrington & Sutcliffe LLP

8  
9 By: /s/ Annette L. Hurst

10 ANNETTE L. HURST  
11 Attorneys for Defendant  
12 LinkedIn Corporation

13  
14 Dated: September 1, 2021

The Law Offices of Thomas V. Christopher

15  
16 By: /s/ Thomas V. Christopher

17 THOMAS V. CHRISTOPHER  
18 Attorneys for Plaintiff  
19 3taps, Inc.

20 **Filer's Attestation:** I, Annette L. Hurst, am the ECF User whose User ID and password  
21 are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that  
22 I have obtained concurrence in the filing of this document from the above-listed signatories.  
23

24  
25 By: /s/ Annette L. Hurst

26 ANNETTE L. HURST  
27  
28

**[PROPOSED] ORDER**

Pursuant to Stipulation, it is SO ORDERED.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
THE HONORABLE EDWARD M. CHEN  
United States District Judge